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EXAMINER

SCHLAPKOHL, WALTER

ART UNIT PAPER NUMBER

1636

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/032,264	Applicant(s) RONINSON ET AL.	
	Examiner Walter Schlapkohl	Art Unit 1636	<i>WLF</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-107 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Receipt of the papers filed 6/30/2006 is acknowledged. Upon further consideration by Examiner both in light of Applicant's arguments in the traversal of 3/9/2006 and in light of the claims, the restriction requirement mailed 10/5/2005 has been found deficient. Examiner regrets any inconvenience presented to Applicant by this new restriction requirement.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 2-4, 7, 10, 14-16, 19 and 23, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of genes from Table 2A as well as assaying expression from one or one combination of genes from Table 2B wherein such measurement is performed with nucleic acids/hybridization, classified in class 435, subclass 6.
- II. Claims 2-3, 5, 7, 11, 14-15, 17, 19 and 24, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or

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one combination of genes from Table 2A as well as assaying expression from one or one combination of genes from Table 2B wherein such measurement is performed with proteins/immunological reagents, classified in class 435, subclass 7.1.

III. Claims 2-3, 6, 7, 12, 14-15, 18, 19 and 25, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of genes from Table 2A as well as assaying expression from one or one combination of genes from Table 2B wherein such measurement is performed with cellular gene product activity assays, classified in class 435, subclass 6.

IV. Claims 2-3, 7-8, 14-15, 19-20, 23, 27-29, 31, 35-37 and 39, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of promoters from genes from Table 2A as well as assaying expression from one or one combination of promoters from genes from Table 2B wherein such measurement is performed with reporter gene assays that utilize nucleic acids/hybridization for measurement, classified in class 435, subclass 6.

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- V. Claims 2-3, 7-8, 14-15, 19-20, 24, 27-29, 32, 35-37 and 40, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of promoters from genes from Table 2A as well as assaying expression from one or one combination of promoters from genes from Table 2B wherein such measurement is performed with reporter gene assays that utilize proteins/immunological reagents for measurement, classified in class 435, subclass 7.1.
- VI. Claims 2-3, 7-8, 14-15, 19-20, 25, 27-29, 33, 35-37, 41 and 50, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of promoters from genes from Table 2A as well as assaying expression from one or one combination of promoters from genes from Table 2B wherein such measurement is performed with reporter gene assays that utilize proteins/immunological reagents for measurement, classified in class 435, subclass 7.1.
- VII. Claims 43-44, 45, 48, 56-58, 61 and 65, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or

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one combination of genes from Table 1 as well as assaying expression from one or one combination of genes from Table 2B wherein such measurement is performed with nucleic acids/hybridization, classified in class 435, subclass 6.

VIII. Claims 43-44, 46, 56-57, 59, 61 and 66, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of genes from Table 1 as well as assaying expression from one or one combination of genes from Table 2B wherein such measurement is performed with proteins/immunological reagents, classified in class 435, subclass 7.1.

IX. Claims 43-44, 47, 56-57, 60-61 and 67, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of genes from Table 1 as well as assaying expression from one or one combination of genes from Table 2B wherein such measurement is performed with cellular gene product activity assays, classified in class 435, subclass 6.

X. Claims 43-44, 51, 56-57, 61, 65, 69-71, 73, 77-79, and 81 drawn to a method for identifying a compound that

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induces senescence comprising assaying expression from one or one combination of promoters from genes from Table 1 as well as assaying expression from one or one combination of promoters from genes from Table 2B wherein such measurement is performed with reporter gene assays that utilize nucleic acids/hybridization for measurement, classified in class 435, subclass 6.

XI. Claims 43-44, 51, 56-57, 61, 66, 69-71, 74, 77-79, and 82, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of promoters from genes from Table 1 as well as assaying expression from one or one combination of promoters from genes from Table 2B wherein such measurement is performed with reporter gene assays that utilize proteins/immunological reagents for measurement, classified in class 435, subclass 7.1.

XII. Claims 43-44, 51, 56-57, 61, 67, 69-71, 75, 77-79 and 83, drawn to a method for identifying a compound that induces senescence comprising assaying expression from one or one combination of promoters from genes from Table 1 as well as assaying expression from one or one combination of promoters from genes from Table 2B

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wherein such measurement is performed with reporter gene assays that gene product activity assays for measurement, classified in class 435, subclass 6.

XIII-XXIV. Claim 85, drawn to a compound identified by each of the methods of Inventions I-XII, classified in class 514, subclass 1.

XXV. Claims 87-91 and 92, drawn to a method for assessing efficacy of a treatment of a disease or condition related to abnormal cell proliferation or neoplastic cell growth utilizing one or one combination of genes from Table 1, one or one combination of genes from Table 2A, and one or one combination of genes from Table 2B, wherein such measurement is performed with nucleic acids/hybridization, classified in class 435, subclass 6.

XXVI. Claims 87-91 and 93, drawn to a method for assessing efficacy of a treatment of a disease or condition related to abnormal cell proliferation or neoplastic cell growth utilizing one or one combination of genes from Table 1, one or one combination of genes from Table 2A, and one or one combination of genes from Table 2B, wherein such

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measurement is performed with proteins/immunological reagents, classified in class 435, subclass 7.1.

XXVII. Claims 87-91 and 94, drawn to a method for assessing efficacy of a treatment of a disease or condition related to abnormal cell proliferation or neoplastic cell growth utilizing one or one combination of genes from Table 1, one or one combination of genes from Table 2A, and one or one combination of genes from Table 2B, wherein such measurement is performed with gene product activity assays, classified in class 435, subclass 6.

XXVIII-XXIX. Claim 96, drawn method for treating disease with the compound identified from each of the Invention I-XII methods, classified in class 424, subclass 897.

XL. Claims 98-99, 102-103 and 105, drawn to a method for identifying a compound that inhibits senescence-associated induction of cellular gene expression comprising contacting the cell with a cytotoxic agent at a concentration that inhibits cell growth, assaying the cell for changes in gene expression for one or one combination of genes, and identifying the compound if expression of the examined genes is induced in the

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absence of the compound, wherein such measurement is performed with nucleic acids/hybridization, classified in class 435, subclass 6.

XLI. Claims 98, 100, 102-103 and 106, drawn to a method for identifying a compound that inhibits senescence-associated induction of cellular gene expression comprising contacting the cell with a cytotoxic agent at a concentration that inhibits cell growth, assaying the cell for changes in gene expression for one or one combination of genes, and identifying the compound if expression of the examined genes is induced in the absence of the compound, wherein such measurement is performed with proteins/immunological reagents, classified in class 435, subclass 7.1.

XLII. Claims 98, 101-103 and 107, drawn to a method for identifying a compound that inhibits senescence-associated induction of cellular gene expression comprising contacting the cell with a cytotoxic agent at a concentration that inhibits cell growth, assaying the cell for changes in gene expression for one or one combination of genes, and identifying the compound if expression of the examined genes is induced in the absence of the compound, wherein such measurement is

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performed with gene product activity assays,
classified in class 435, subclass 6.

The inventions are distinct, each from the other, for the following reasons:

Groups I-XII, XXV-XXVII, and XL-XLII are comprised of multiple independent and/or distinct inventions recited in the alternative which are the products or methods drawn to different polynucleotides/polypeptides which do not render obvious each other and thus are patentably distinct. Applicant must elect a single invention which is the product or method drawn to one or one specific polynucleotide/polypeptide combination to which the claims will be restricted. Applicant must also indicate which claims are readable on the elected invention. This is not an election of species because the polynucleotides/polypeptides are different and distinct and thus the methods drawn to different and distinct polynucleotides/polypeptides are different and distinct inventions from each other.

Note: the non-standard format of this restriction, separating the inventions into multi-invention groups drawn to independent or distinct combinations of polynucleotides and polypeptides, followed by an election of a single invention

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drawn to one combination of polynucleotides or polypeptides within the elected multi-invention group, was done for the sake of compactness of the communication and clarity, instead of using the more standard format setting forth each separate invention drawn to each separate sequence which would require a much longer communication.

For related process inventions, the inventions are distinct if (a) the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; (b) the inventions as claimed are not obvious variants; and (c) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function or effect. See MPEP § 802.01.

The methods of Groups I, IV, VII, X, XXV & XL, Groups II, V, VIII, XI, XXVI & XLI and Groups III, VI, IX, XII, XXVII & XLII do not overlap in scope because the Group I, IV, VII, X, XXV & XL inventions comprise isolating cellular RNA from a sample and quantifying the levels of transcript in the sample; the Group II, V, VIII, XI, XXVI & XLI inventions comprise the use of proteomics technology to determine the level of proteins from the sample and the Group III, VI, IX, XII, XXVII & XLII inventions comprise the use of gene product activity assays to

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determine levels of gene expression. The Group I, IV, VII, X, XXV & XL, Group II, V, VIII, XI, XXVI & XLI and Group III, VI, IX, XII, XXVII & XLII inventions have a materially different design, mode of operation and/or effect since the Group I, IV, VII, X, XXV & XL, Group II, V, VIII, XI, XXVI & XLI and Group III, VI, IX, XII, XXVII & XLII expression products as measured are chemically and structurally different: the Group I, IV, VII, X, XXV & XL expression levels use nucleic acids comprised of nucleotide bases, whereas the Group II, V, VIII, XI, XXVI & XLI inventions use protein expression products comprised of linked amino acids, whereas the Group III, VI, IX, XII, XXVII & XLII expression levels are measured with assays for gene product activity of any kind. Moreover the Group I, IV, VII, X, XXV & XL, the Group II, V, VIII, XI, XXVI & XLI and the Group III, VI, IX, XII, XXVII & XLII inventions are not obvious variants because, for example, the determination of transcript levels as in, e.g., Group I does not necessarily correlate with protein levels as in, e.g., Group II; and the determination of protein levels as in, e.g., Group II is not necessarily indicative of gene product activity levels. Therefore, the methods are not obvious variants over each other.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on

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the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

The methods of Groups I-VI and Groups VII-XII do not overlap in scope because the Group I-VI and Group VII-XII inventions comprise the use of genes that are different in sequence (chemical structure), and thus have different chemical and functional properties that do not overlap in scope. The Group I-VI and Group VII-XII inventions have a materially different design and mode of operation since the Group I-VI and Group VII-XII inventions require the use of genes not present in the other group(s). Moreover the Group I-VI and Group VII-XII inventions are not obvious variants because, for example, the use of a gene from Table 2A as in, e.g., Group I, does not imply or suggest the use of a gene from Table 1 as in, e.g., Group

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VII. Therefore, the methods are not obvious variants over each other.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

The methods of Groups I-III & VII-IX and Groups IV-VI & X-XII do not overlap in scope because the Group I-III & VII-IX and Group IV-VI & X-XII inventions comprise the use of full length, wild-type RNA transcripts/polypeptides whereas the Group IV-VI & X-XII inventions utilize a reporter gene construct operably linked to the promoter of the genes encompassed by Groups I-III & VII-IX. Thus, the genes and reporter constructs are different in sequence (chemical structure), have different chemical and functional properties and thus do not overlap in scope. The Groups I-III & VII-IX and Groups IV-VI & X-XII inventions have a materially different design and mode of operation since the Group I-III & VII-IX inventions require only the use of

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endogenous genes, whereas the Group IV-VI & X-XII inventions require recombinant cells wherein a promoter has been linked to a reporter construct. Moreover the Group I-III & VII-IX and Group IV-VI & X-XII inventions are not obvious variants because, for example, the determination of transcript levels as in, e.g., Group I would not imply or suggest the use of only the promoter of such a gene operably linked to reporter, especially in a situation wherein multiple genes are being assessed for expression. Therefore, the methods are not obvious variants over each other.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

The methods of Groups I-XII and Groups XL-XLII do not overlap in scope because the Groups I-XII inventions comprise the method step of using differences in gene expression from genes from Tables 2A and 2B and 1 in order to identify a

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compound as an inducer of senescence whereas the inventions of Group XL-XLII comprise the method step of contacting a recombinant cell which comprises a reporter construct from any gene, including those recited in claim 104, with a cytotoxic agent at a concentration such that cell growth is inhibited. Thus, the genes and reporter constructs are different in sequence (chemical structure), have different chemical and functional properties and thus do not overlap in scope. Moreover the Group I-XII and Group XL-XLII inventions are not obvious variants because, for example, the determination of transcript levels as in, e.g., Group I would not imply or suggest the use of only the promoter of such a gene operably linked to reporter, and further comprising the step of contacting a cell with a cytotoxic agent such that cell growth is inhibited. Therefore, the methods are not obvious variants over each other.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in

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the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Except as otherwise indicated, Inventions I-XII and XIII-XXIV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, Inventions XII-XXIV can be "made" by each of the Group I-XII methods.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

The inventions of Groups I-XII & XL-XLII, Groups XXV-XXVII, and Groups XXVIII-XXXIX are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use

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together and they have different modes of operation, different functions, or different effects (MPEP § 808.01). In the instant case the methods of Group I-XII & XL-XLII are not disclosed as capable of use together with the methods of Groups XXV-XXVII or the methods of Groups XXVIII-XXXIX. Moreover, Group I-XII & XL-XLII, Group XXV-XXVII, and Group XXVIII-XXXIX inventions have a different mode of operation which utilizes different method steps and have different outcomes.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Claims 1, 9, 13, and 21 link Inventions I-VI. Claims 1, 9, 13, 21-22, 26, 30, 34, and 38 link Inventions IV-VI. Claims

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42, 48, and 63 link Inventions VII-XII. Claims 42, 48-49, 51, 55, 62-64, 68, 72, 76 and 80 link Inventions X-XII. Claim 84 links Inventions XIII-XXIV. Claim 86 links Inventions XXV-XXVII. Claim 95 links Inventions XXVIII-XXXIX. Claims 97 and 104 link Inventions XL-XLII. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 1, 9, 13, 21-22, 26, 30, 34, 38, 42, 48-49, 51, 55, 62-64, 68, 72, 76, 80, 84, 86, 95, 97 and 104. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 Claims that require all the limitations of an allowable linking claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim(s) including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be

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subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Certain papers related to this application may be submitted to the Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is (571) 273-8300. Note: If Applicant *does* submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify

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applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent applications to view the scanned images of their own application file folder(s) as well as general patent information available to the public.


For all other customer support, please call the USPTO Call Center (UCC) at (800) 786-9199.

Any inquiry concerning rejections or objections in this communication or earlier communications from the examiner should be directed to Walter Schlapkohl whose telephone number is (571) 272-4439. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached at (571) 272-0781.

Walter A. Schlapkohl, Ph.D.
Patent Examiner
Art Unit 1636

August 31, 2006


NANCY VOGEL
PRIMARY EXAMINER